

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

CORRIE L. VERSIE

PLAINTIFF

V.

3:14CV00290 DPM/JWC

CRAIGHEAD COUNTY
DETENTION CENTER

DEFENDANT

PROPOSED FINDINGS AND RECOMMENDATIONS

INSTRUCTIONS

The following recommended disposition has been sent to United States District Judge D.P. Marshall Jr. Any party may serve and file written objections to this recommendation. Objections should be specific and should include the factual or legal basis for the objection. Your objections must be received in the office of the United States District Court Clerk no later than fourteen (14) days from the date of the findings and recommendations.

Mail your objections and “Statement of Necessity” to:

Clerk, United States District Court
Eastern District of Arkansas
600 West Capitol Avenue, Suite A149
Little Rock, AR 72201-3325

DISPOSITION

Plaintiff Corrie L. Versie, who is currently held at the Craighead County Detention Facility, filed a *pro se* complaint on December 8, 2014. On December 10, 2014, the Court entered an order directing Plaintiff to pay the filing and administrative fees, or to file an application for leave to proceed *in forma pauperis*, and to file an amended complaint which identified an appropriate

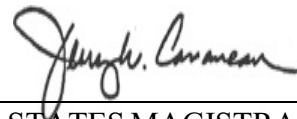
Defendant (docket entry #2). That same order warned Plaintiff that his failure to do so would result in the recommended dismissal of his complaint.

More than 30 days have passed, and Plaintiff has not paid the filing and administrative fees, filed an application for leave to proceed *in forma pauperis*, filed an amended complaint, or otherwise responded to the order. Under these circumstances, the Court concludes that Plaintiff's complaint should be dismissed for failure to pay the filing fee, failure to comply with Local Rule 5.5(c)(2), and for failure to respond to the Court's order. *See Miller v. Benson*, 51 F.3d 166, 168 (8th Cir. 1995) (District courts have inherent power to dismiss *sua sponte* a case for failure to prosecute, and exercise of that power is reviewed for abuse of discretion).

IT IS THEREFORE RECOMMENDED THAT:

1. Plaintiff's complaint be DISMISSED WITHOUT PREJUDICE for failure to pay the filing fee, failure to comply with Local Rule 5.5(c)(2), and for failure to respond to the Court's order.
2. The Court certify that an *in forma pauperis* appeal taken from the order and judgment dismissing this action is considered frivolous and not in good faith.

DATED this 20th day of January, 2015.



UNITED STATES MAGISTRATE JUDGE